OC-00121 - 9.01 - 7/3/89

ADMINISTRATIVE MESSAGE

FILLORITY

P 0316572 JUL 89 ZYB PSN 599358N39

FM CHINFO

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SUBJ: PUBLIC AFFAIRS GUIDANCE NO. TWO-INSTALLATION RESTORATION (IR)

- A. CONFERENCE CALL 89MAY12 MS SHAPIRO, LT CRONK/ADDEES
- B. CHINFO 2821427 APR 89
- 1. AS DISCUSSED REF (A) THERE HAS BEEN SOME DIFFICULTY IN DIFFERENTIATING BETWEEN THE ADMINISTRATIVE RECORD (AR) AND THE INFORMATION REPOSITORY (INR). THIS MSG DESCRIBES DIFFERENCES AND DISCUSSES THE PURPOSE OF EACH RECORD.
- 2. THE AR IS A LEGAL FILE OF DOCUMENTS KEPT TO SHOW HOW THE NAVY SELECTED ITS REMEDY FOR A PARTICULAR RESTORATION ACTION.

  A. IF A REMEDY IS CHALLENGED IN COURT, THE JUDGE'S REVIEW IS USUALLY BASED ON DOCUMENTS IN THE AR. THE AR IS USED IN COURT TO JUSTIFY HOW AN ORGANIZATION MADE ITS DECISION WHILE THE INR IS USED TO MAKE INFORMATION EASILY AVAILABLE AND KEEP THE PUBLIC NFORMED.
- IF THE NAVY IS SUED AFTER SELECTING A REMEDY, A JUDGE WILL USE THE AR, NOT THE INR, TO EVALUATE HOW THE NAVY SELECTED THAT COURSE OF ACTION. IN THE PAST, JUDGES WITHOUT ENVIRONMENTAL ENGINEERING EXPERTISE HAVE NOT ASKED WHETHER A SELECTED REMEDY WAS RIGHT. THEIR INTEREST IS IN THE PROCESS USED TO SELECT THE REMEDY: WAS IT FAIR? WAS THE PUBLIC MADE AWARE OF THE PROCESS? WAS THE PUBLIC AFFORDED THE OPPORTUNITY TO PROVIDE INPUT?

  C. THE AR IS THE NAVY'S EVIDENCE THAT THE PUBLIC WAS INFORMED, HAD AN OPPORTUNITY TO COMMENT, THAT COMMENTS WERE TAKEN SERIOUSLY, AND THE NAVY'S DECISION WAS NOT ARBITRARY AND CAPRICIOUS.
- D. THE AR IS MAINTAINED BY THE NAVFAC ENGINEERING FIELD DIVISION (EFD).
- 3. THE INR IS A PROJECT FILE CONTAINING DETAILED SITE

DLVR: LANTNAVFACENGCOM NORFOLK VA(15) ... ACT

DD2(2)...ACT FOR COMNAVBASE NORFOLK V(13)
DD(1) D1(1) D2(1) N1F(2) N3(1) N4(2) DD3(1) N2(2)

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TESCRIPTION, DOCUMENTS ON SITE ACTIVITIES, COMREL EVENTS, NEWS IPS AND GENERAL INFORMATION ABOUT INSTALLATION RESTORATION.

A. THE INR PROVIDES LOCAL OFFICIALS, CITIZENS, AND THE MEDIA WITH EASY ACCESS TO ACCURATE, DETAILED, AND CURRENT DATA ABOUT THE SITE.

B. IT IS MAINTAINED FOR THE ENTIRE RESTORATION PROCESS AND DOES NOT STOP WHEN A REMEDY IS SELECTED.

C. THE INR IS USUALLY MAINTAINED BY THE PAO OF THE AFFECTED INSTALLATION.

4. BOTH SETS CONTAIN MANY OF THE SAME DOCUMENTS, BOTH MUST BE AVAILABLE TO THE PUBLIC, THEIR EXISTENCE NEEDS TO BE PUBLICIZED AND THEY MAY BE CO-LOCATED. IN CURRENT PRACTICE, THE ORIGINAL AR IS MAINTAINED AT THE EFD AND COPIES ARE KEPT ON BASE. COPIES OF THE INR ARE IN ONE OR MORE PUBLIC PLACES: TYPICALLY A PUBLIC LIBRARY, CITY HALL OR OTHER CIVIC BUILDING.

THE DRAFT NATIONAL CONTINGENCY PLAN (NCP), WHICH GUIDES THE SUPERFUND PROGRAM, MAY BE CHANGED WITH RESPECT TO ACCESSIBILITY OF THE ADMINISTRATIVE RECORD. IF ONLY ONE AR IS LOCATED ON THE ACTIVITY, PRIVATE CITIZENS MUST SIGN IN AT THE GATE TO GAIN ADMITTANCE. NEW THINKING SEEMS TO LEAD IN THE DIRECTION OF REQUIRING ACTIVITIES TO MAKE MORE THAN ONE AR AVAILABLE SO THAT ANYONE DESIRING TO VIEW IT MAY DO SO FREELY AND WITHOUT IDENTIFYING THEMSELVES. ACTIVITIES HAVING ONLY ONE AR WILL HAVE TO SITUATE A COPY SO THAT ACCESS IS UNLIMITED AND ANONYMOUS.

6. REQUIREMENT FOR PHOTO DOCUMENTATION OF IR ACTIVITIES LISCUSSED REF (B) REMAINS STRONG AND VALID. NAVY FILES

RRENTLY CONTAIN NO PHOTOGRAPHY OF IR PROCESS.

THE NEXT IR COMREL CONFERENCE CALL SKED FOR THURSDAY 6 JULY 1989. INSTALLATIONS EAST OF THE MISSISSIPPI PLS CALL AT 1230; WEST AT 1430. ALL TIMES EASTERN DST. TEL (202) 694-8915, (AV) 224-8915.

If PAO'S Launt abready done it, lets include site plotos in our next change orders.

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Ak-Asyon ion song they are Still punding AR s!! Suggest are do photo layouts if not aloud, Sou by aithir, and

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